

**ONTARIO CITY COUNCIL/  
ONTARIO HOUSING AUTHORITY  
MINUTES  
August 4, 2020**

**JOINT MEETINGS**

Regular meetings of the Ontario City Council/Ontario Housing Authority were held on Tuesday, August 4, 2020, at the Ontario City Hall, 303 East B Street, Ontario, California.

**SPECIAL AND URGENT ANNOUNCEMENT**

In accordance with the Governor's Declarations of Emergency for the State of California (Executive Orders N-25-20 and N-29-20) and the Governor's Stay at Home Order (Executive Order N-33-20), Ontario City Council Meetings are being conducted via teleconference to limit in-person attendance at meetings of the City of Ontario City Council and Housing Authority.

Members of the public were advised to utilize alternative measures to view the City Council meetings and/or to address the Mayor and City Council Members.

The meeting was live broadcast on local cable Channel 3 as well as internet live streamed at [www.ontarioca.gov/Agendas/CityCouncil](http://www.ontarioca.gov/Agendas/CityCouncil).

**ROLL CALL**

<b>PRESENT:</b>	Mayor/Chairman	Paul S. Leon
	Mayor pro Tem/Vice Chairman	Debra Dorst-Porada
	Council/Authority Members:	Alan D. Wapner, Jim W. Bowman, and Ruben Valencia (All participating via teleconference)

**ABSENT:** Council/Authority Members: None

Also present were City Manager/Executive Director Scott Ochoa (via teleconference), Special Counsel J. Scott Tiedemann of Liebert Cassidy Whitmore (via teleconference) and City Clerk/Secretary Sheila Mautz (via teleconference).

**CLOSED SESSION**

Mayor Leon called the joint meetings to order at 6:01 p.m.

Mayor Leon announced the matters for discussion, as listed on the agenda, and inquired whether persons were present who wished to speak to the Closed Session items.

Assistant City Clerk Kasad advised that there were no requests, and the City Council recessed to Closed Session at 6:02 p.m. for discussion of the following:

- GC 54957, PUBLIC EMPLOYEE APPOINTMENT: *City Attorney*

### **CALL TO ORDER – OPEN SESSION**

Mayor Leon called the City Council and Housing Authority meetings to order at 6:31 p.m.

### **ROLL CALL**

<b>PRESENT:</b>	Mayor/Chairman	Paul S. Leon
	Mayor pro Tem/Vice Chairman	Debra Dorst-Porada
	Council/Authority Members:	Alan D. Wapner, Jim W. Bowman, and Ruben Valencia
		(All participating via teleconference)

<b>ABSENT:</b>	Council/Authority Members:	None
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Also present were City Manager/Executive Director Scott Ochoa (via teleconference), Special Counsel J. Scott Tiedemann of Liebert Cassidy Whitmore (via teleconference) and City Clerk/Secretary Sheila Mautz (via teleconference).

### **REPORT ON CLOSED SESSION**

Special Counsel Tiedemann advised that the City Council held a Closed Session meeting on the appointment of a City Attorney under Government Code Section 54957 and by unanimous roll call vote chose to appoint Best Best & Krieger to provide City Attorney Services for the City of Ontario.

The Pledge of Allegiance was led by Mayor pro Tem Dorst-Porada.

Mayor Leon led a moment of silent reflection in lieu of the Invocation.

### **PUBLIC COMMENTS**

Celina Lopez announced her candidacy for City Council in the upcoming City Council race and questioned the campaign practices of the incumbents. City Manager Ochoa noted for the record that the City Council podium was intended to address matters germane to the City Council and not political or campaign matters. He indicated that in the future he and the City Attorney would endeavor to assure that the podium is used for matters pertinent to the City Council and allowed by the Brown Act.

## **AGENDA REVIEW/ANNOUNCEMENTS**

City Manager Ochoa recommended that the Public Hearing listed as Item No. 11 on this agenda should be pulled and brought back for City Council consideration at a later date. He also requested that Item No. 12 regarding City Attorney Services be moved to the beginning of the meeting.

## **ADMINISTRATIVE REPORTS/DISCUSSION/ACTION**

### **12. A LEGAL SERVICES AGREEMENT FOR CITY ATTORNEY SERVICES**

City Council authorized the City Manager to negotiate and execute a Legal Services Agreement with Best, Best & Krieger, LLP, of Riverside, California, to provide City Attorney services.

City Manager Ochoa explained that there had been an exhaustive process including a request for proposals which drew nine proposals. He indicated that the City Council had interviewed and recommended selection of Best Best & Krieger, with Ruben Duran serving as the City Attorney. He noted that Ruben Duran was available via teleconference at this meeting.

Ruben Duran introduced himself, noting that he was honored to be selected as the new City Attorney and thanked the City Council for their vote of confidence. He noted that he and his wife are members of the community and his two sons visit whenever possible. He expressed excitement with the new role.

**MOTION:** Moved by Council Member Bowman, seconded by Council Member Valencia and carried by unanimous roll call vote to authorize the City Manager to negotiate and execute a Legal Services Agreement with Best, Best & Krieger to provide City Attorney Services.

## **CONSENT CALENDAR**

**MOTION:** Moved by Council Member Bowman, seconded by Mayor pro Tem Dorst-Porada and carried by unanimous roll call vote to approve the Consent Calendar as presented.

### **1. APPROVAL OF MINUTES**

City Council approved the Minutes for the regular meeting of the City Council and Housing Authority of July 7, 2020, as on file in the Records Management Department.

**2. BILLS/PAYROLL**

City Council approved **Bills** for the period July 3, 2020 through July 16, 2020, in the amount of \$14,844,448.89 and **Payroll** for the period June 21, 2020 through July 4, 2020, in the amount of \$3,874,967.67 when audited by the Finance Committee.

**3. A RESOLUTION APPROVING AN APPLICATION FOR THE USED OIL PAYMENT PROGRAM CYCLE 11 (FISCAL YEAR 2020-21) FROM THE STATE OF CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY**

City Council adopted a resolution approving a grant application for an estimated \$49,000 from the Used Oil Payment Program Cycle 11 (Fiscal Year 2020-21) through the State of California Department of Resources Recycling and Recovery (CalRecycle); and authorized the City Manager or his designee to execute all necessary documents to participate in the program.

**RESOLUTION NO. 2020-144** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF AN ANNUAL APPLICATION TO PARTICIPATE IN THE USED OIL PAYMENT PROGRAM CYCLE 11 (FISCAL YEAR 2020-21) FROM THE STATE OF CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE).

**4. AN AMENDMENT TO A GOODS AND SERVICES AGREEMENT FOR COMMERCIAL BIN SUPPLIES AND MATERIALS/WASTEBUILT ENVIRONMENTAL SOLUTIONS, LLC**

City Council approved and authorized the City Manager to execute Amendment No. 1 to a Goods and Services agreement with Wastebuilt Environmental Solutions, LLC of Ontario, California, in the amount of \$150,000; and authorized the City Manager to extend the agreement for up to three additional one year periods consistent with City Council approved budgets.

**5. AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 58 (COLONY COMMERCE CENTER EAST SERVICES)**

City Council considered and adopted an ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 58 (Colony Commerce Center East Services). Introduction and first reading of said Ordinance took place at a regular meeting of the City Council on July 21, 2020.

**ORDINANCE NO. 3165** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 58 (COLONY COMMERCE CENTER EAST SERVICES).

**6. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN THE COMMUNITY FACILITIES DISTRICT No. 58 FOR FISCAL YEAR 2020-21**

City Council adopted a resolution establishing the annual special tax within City of Ontario Community Facilities District No. 58 for Fiscal Year 2020-21.

**RESOLUTION NO. 2020-145** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 58 (COLONY COMMERCE CENTER EAST SERVICES), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2020-21.

**7. MAINTENANCE AGREEMENT FOR MANAGED PRINT SERVICES OF CITYWIDE KONICA MINOLTA MULTIFUNCTION COPIERS/KONICA MINOLTA (KM) BUSINESS SOLUTIONS**

City Council authorized the City Manager to execute a recurring annual maintenance contract with Konica Minolta (KM) Business Solutions of San Bernardino, California, consistent with the six years terms and conditions of the County of San Bernardino's contract #20509A-3 for print services.

**8. AN AMENDMENT TO THE SERVICES AGREEMENT WITH BIO-TOX LABORATORIES, INC. FOR TOXICOLOGY SERVICES**

City Council authorized the City Manager to execute an amendment to the existing services agreement with Bio-Tox Laboratories, Inc. of Riverside, California, for toxicology services extending the term for an additional year and increasing the revised authorized contract amount by \$50,000, for a new total of \$165,000.

**9. A PROFESSIONAL SERVICES AGREEMENT FOR PHLEBOTOMY AND NURSE SERVICES FOR THE POLICE DEPARTMENT/LAW ENFORCEMENT MEDICAL SERVICES, INC. (LEMS)**

City Council authorized the City Manager to execute a three-year professional services agreement with Law Enforcement Medical Services, Inc., (LEMS) of Fontana, California, for phlebotomy and nurse services at an annual estimated cost of \$50,000, or a total of \$150,000 for three years; and the option to extend the agreement for up to two additional one-year periods.

## **10. AMERICORPS STATE FORMULA GRANT FOR 2020-21**

City Council authorized the City Manager or designee, to execute grant documents to accept a \$400,000 AmeriCorps State formula grant for August 2020 through June 30, 2021 to fund the Ontario Promise Corps project.

**MOTION CARRIED BY UNANIMOUS ROLL CALL VOTE.** Mayor Leon declared Resolution Nos. 2020-144 and 2020-145, and Ordinance No. 3165 adopted.

## **PUBLIC HEARINGS**

### **11. A PUBLIC HEARING TO CONSIDER AN ORDINANCE REPEALING URGENCY ORDINANCE NO. 3163, ADOPTING TEMPORARY REGULATIONS PROHIBITING THE EVICTION OF RESIDENTIAL AND COMMERCIAL TENANTS, AND ENACTING A MORATORIUM ON RESIDENTIAL FORECLOSURES DUE TO LOSS OF INCOME DURING THE STATE OF LOCAL EMERGENCY CAUSED BY THE COVID-19 PANDEMIC**

City Council pulled this item from the agenda.

## **STAFF MATTERS**

City Manager Ochoa had no comments.

## **COUNCIL MATTERS**

Mayor pro Tem Dorst-Porada complimented community members including the Kiwanis Club and Ontario Heritage for staying healthy and engaged during the COVID-19 pandemic by continuing their meetings via ZOOM. She noted that she was pleased with the progress downtown on the restaurant construction at the former Bank of Italy and the Starbucks on Euclid, and with the progress being made in the Ontario Ranch area with the new shopping center, in spite of the pandemic.

Council Member Wapner noted that this was the first meeting held on the first Tuesday in August in several years, as historically the City Council and staff would be attending National Night Out events throughout the community, however that event was cancelled due to the pandemic.

Council Member Bowman had no comments.

Council Member Valencia expressed condolences to the families of those killed in the Lebanon bombing today.

Mayor Leon noted his attendance at a birthday party over the weekend for 13 year old resident "Steven" who is battling cancer. He indicated that events such as this were the

more enjoyable parts of being the Mayor and noted his appreciation for City departments getting involved in supporting the community. He stressed that Ontario is a “big City with a hometown feel”.

Council Member Wapner requested that the meeting be adjourned in memory of the military service members who died in a training exercise off the coast of southern California this week.

#### **ADJOURNMENT**

Mayor Leon adjourned the meetings of the Joint Agencies at 6:52 p.m. to the next regular meetings to be held on Tuesday, August 18, 2020, in memory of the military personnel who perished off the coast of southern California this week including: Pfc. Bryan J. Baltierra, LCpl. Marco A. Barranco, Pfc. Evan A. Bath, USN Hospitalman Christopher Gnem, Pfc. Jack Ryan Ostrovsky, LCpl. Guillermo S. Perez, Cpl. Wesley A. Rodd, LCpl. Chase D. Sweetwood and Cpl. Cesar A. Villanueva.

Respectfully submitted,

  
SHEILA MAUTZ, CITY CLERK/SECRETARY

APPROVED:

  
PAUL S. LEON, MAYOR/CHAIRMAN